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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,755	09/03/2004	Maurizio De Paola	23022	6671
535 7590 12/10/2007 K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900			EXAMINER JUNG, DAVID YIUK	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,755

Applicant(s)

DE PAOLA ET AL.

Examiner

David Y. Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on file is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-5 are presented.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding claims 1-5, the claimed invention is directed to non-statutory subject matter. Claims recite only perfunctory recitation of functional material (mobile telephone network, etc.). Aside from this, the claims recite only nonfunctional descriptive material. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”). Such a result would exalt form over substance.

For further guidance on the term “nonfunctional”, please see MPEP 2106.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (WO 00/59199, cited by Applicant) and admissions against prior art.

Regarding claim 1, Anderson teaches "Method for decoding charging data records (CDR) generated in a mobile telephone network, said records consisting of files to be decoded that can be described on the basis of a formal description of the [] type, characterised by the fact that it includes the following operations: - identifying (102) the type of record to be decoded, the identification corresponding to at least a first type (GSM) and at least a second type (GPRS) of records to be decoded, - providing a decoder (10) including an interpreter of the [] type (18), - providing (110) said formal description of the [] type of the records to be decoded, - self-generate, by means of said interpreter (18) and in relation to the aforementioned description, an updated decoder version of at least a first (114) and at least a second (116) type according to the type of record to be decoded, and - supplying (118) said files to be decoded (14) to the decoder (114, 116) self-generated in this way, so as to output (120) said decoded records in text format (page 1, line 1 to page 6, line 20, especially the section on background of invention and the summary of invention)."

These passages of Anderson do not teach "ASN.1" in the sense of the claim. Applicant does admit that ASN.1 is used by UMTS, GPRS, GSM. See pages 1-2 of the specification of this application (which is already well known in the art and is a admission against prior art).

Nevertheless, it was well known in the art to use "ASN.1" for the motivation of creating a formal record appropriate for decoder. This is especially known for GSM. Because UMTS is an extension of GPRS which is in turn an extension of GSM, it would also have been well known in the art to use ASN.1 for UMTS as well as GPRS for the reasons that it was well known to use ASN.1 for GSM. Thus, a decoder for GSM would automatically suggest a decoder for GPRS and UMTS for the motivation of handling the extensions of already existing standards.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Anderson for the motivation noted in the previous paragraphs so as to teach the claimed invention.

2. (original) Method as per claim 1, characterised by the fact that said at least a first type of record and said at least a second type of record is selected from the group consisting of GSM, GPRS or UMTS records.

Claim 2: such UMTS, GPRS, GSM were well known in the art. See pages 1-2 of the specification of this patent application.

3. Method as per claim 1, characterised by the fact that it includes the operation 1 of selecting one of the said at least first (114) and said at least second (116) type of decoder, and of parameterising the decoder selected in relation to at least one parameter selected from the group made up of: - name of log file to be decoded (104), and - output format of the decoded file (106).

4. (original) Method as per claim 3, characterised by the fact that said output format of the decoded file is selected from the following: - a long format, in which the decoding, the length and the contents in hexadecimal are given for each record field, and - a short format, for which only the decoding is given for each record field.

Claims 3, 4: such formats are well known in the art for handling "data records." For example, note the use with logging and data formats which would be necessary for the "data records" as recited.

5. System for decoding charging data records (CDR) generated in a mobile telephone network operating according to the method as per claim 1.

Claim 5: such mobile telephone network was well known in the art. See pages 1-2 of the specification of the specification.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

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Points of Contact

Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

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David Jung

Patent Examiner

12/6/07

A handwritten signature in black ink, appearing to read 'David Jung', written in a cursive style.